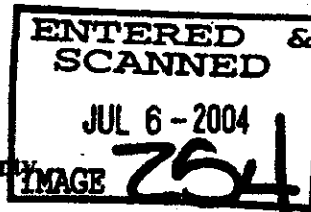


(A)



THE SUPREME COURT OF OHIO

In the Common Pleas Court of Hamilton CountyAppointment of Trial Counsel in a Capital Case

This form is used pursuant to Rule 20 of the Rules of Superintendence for the Courts of Ohio to report the appointment of trial counsel where the defendant is indigent, counsel is not privately retained by or for the defendant, and the death penalty can be or has been imposed upon the defendant. Return this form within two weeks of appointment to: Cindy Johnson, Supreme Court of Ohio, 65 S. Front Street, Seventh Floor, Columbus, OH 43215-3431. A copy of the indictment must be attached.

Defendant's Name: JAWN JEROME BYRD Case No. B0401231Trial Judge: John Andrew West Atty. Registration No. 0002662Lead CounselCo-CounselName: Herbert Edmund FreemanName: Gregory A. CohenAtty. Reg. No. 0005364Atty. Reg. No. 0061854Address: The Citadel 114 ENT 28Address: The Citadel, 114Cincinnati, OH 45202-2102Cincinnati OH 45202Telephone: 513 381-8115Telephone: (513) 621-9016

Certified under Sup.R. 20 as:

 Lead Counsel ☒
 Co-Counsel ☐
 Appellate Counsel ☐

Certified under Sup.R. 20 as:

 Lead Counsel ☐
 Co-Counsel ☒
 Appellate Counsel ☐
Date of Appointment: 07/06/04Date of Appointment: 7-2-04

ATTORNEY CERTIFICATION

We hereby accept appointment as trial counsel in this case. We affirm that we are currently certified under Sup.R. 20 to accept appointment as lead counsel or co-counsel, and certify that this appointment will not create a total workload so excessive that it interferes with or prevents the rendering of quality representation in accordance with constitutional and professional standards.

Herbert E. FreemanLead Counsel
Date: 06/06/04Gregory A. CohenCo-Counsel
Date: 7/2/04

Rev. 8/20/03

7-6-04
Jan

(B)

WAYNOKA REGIONAL WATER AND SEWER DISTRICT
1 WAYNOKA DR.
SARDINIA OHIO 45171
937-446-3232 937-446-3330

Dear Homeowner,

In 1998 the Waynoka Regional Water and Sewer District (WRWSD) committed to extending central sewer lines to any and all new homes being built within Lake Waynoka. In essence, no more on site waste disposal systems have been installed since 1998.

As sewer lines are extended, existing homes are required by law to tie in and abandon their on site septic systems. This policy has been on hold due to a lawsuit (case # 990590 CVH) being filed on October 29, 1999.

The plaintiffs believed that because their homes were built prior to June 1992, that similar cost consideration as afforded those homes included in the original Phase I project should apply to them. Unfortunately, material, labor, and the cost of sewer line extensions must be considered. These costs continue to increase every year.

The WRWSD has determined that all 69 homes within Lake Waynoka that have not yet been hooked up to central sewage will be treated the same regardless of when they were built. All of these homes were built with an on site septic system.

We are happy to report that all of the original plaintiffs involved in the lawsuit, # 990590CVH, have withdrawn and accepted the current WRWSD tap in policy and charges.

The WRWSD Trustees have determined that sewer will be provided to all areas of the community ASAP. All existing homes with an on site septic system will pay the established tap in fee of \$4050.00 within 120 days from receipt of this notice. If unpaid after 120 days, the established cost will increase to \$6050.00 and turned over to the Brown County Prosecutor's office for enforcement and collection.

It will be your responsibility to provide the necessary power supply, decommissioning of your existing on site septic system, and an easement. Please see the attached.

In order to discuss this program or answer any of your questions, a meeting will be held at the WPOA Clubhouse on Wednesday, October 23, 2002 at 7:30 p.m.

In the mean time, if you have any questions, please contact the office. Thank you.

Sincerely,

WRWSD Trustees

1 Waynoka Drive • Sardinia, OH 45171 • Tel: 937 446 3232

ACCOUNT 0500 4/17/02 5/4/02

SERVICE AT 3017 Rio Brazos (08)

CODE	PRESENT	PREVIOUS	USAGE	CHARGES
WAT	WATERAVAIL			60.00

REQUESTED

JOHN SAYYAH
238 WAYNOKA DR.
SARDINIA OH
45171

EXHIBIT 3

CLASS	AMOUNT DUE AFTER DUE DATE	DUE DATE	PAY THIS AMOUNT
R	60.00	4/30/02	60.00

ACCOUNT	DUE DATE
0500	4/30/02

AMOUNT DUE AFTER DUE DATE	PENALTY AFTER DUE DATE	PAY THIS AMOUNT
60.00	6.00	60.00

ANNUAL WATER AVAILABILITY AND
SEWER ASSESSMENT BILLING

WAYNOKA REGIONAL WATER & SEWER DISTRICT

1 Waynoka Drive • Sardinia, OH 45171 • Tel: 937 446 3232

ACCOUNT 261800 7/2/02-8/1/02

SERVICE AT 238 WAYNOKA DR. (08)

CODE	PRESENT	PREVIOUS	USAGE	CHARGES
ARR		FORWARD		920.50
WAT	595400	580000	15400	41.00
SEW	SEWER			33.00

REQUESTED

REQUESTED

0.23

U.S. POSTAGE

JOHN SAYYAH
238 WAYNOKA DR.
SARDINIA OH
45171

**DEFENDANT
EXHIBIT**

"B"

Paid \$100.00 8/30/02 5651

CLASS	AMOUNT DUE AFTER DUE DATE	DUE DATE	PAY THIS AMOUNT
R	1093.90	8/31/02	994.50

ACCOUNT	DUE DATE
261800	8/31/02

AMOUNT DUE AFTER DUE DATE	PENALTY AFTER DUE DATE	PAY THIS AMOUNT
1093.90	99.40	994.50

MONTHLY WATER/SEWER USAGE BILLING
DUE 8/31/2002

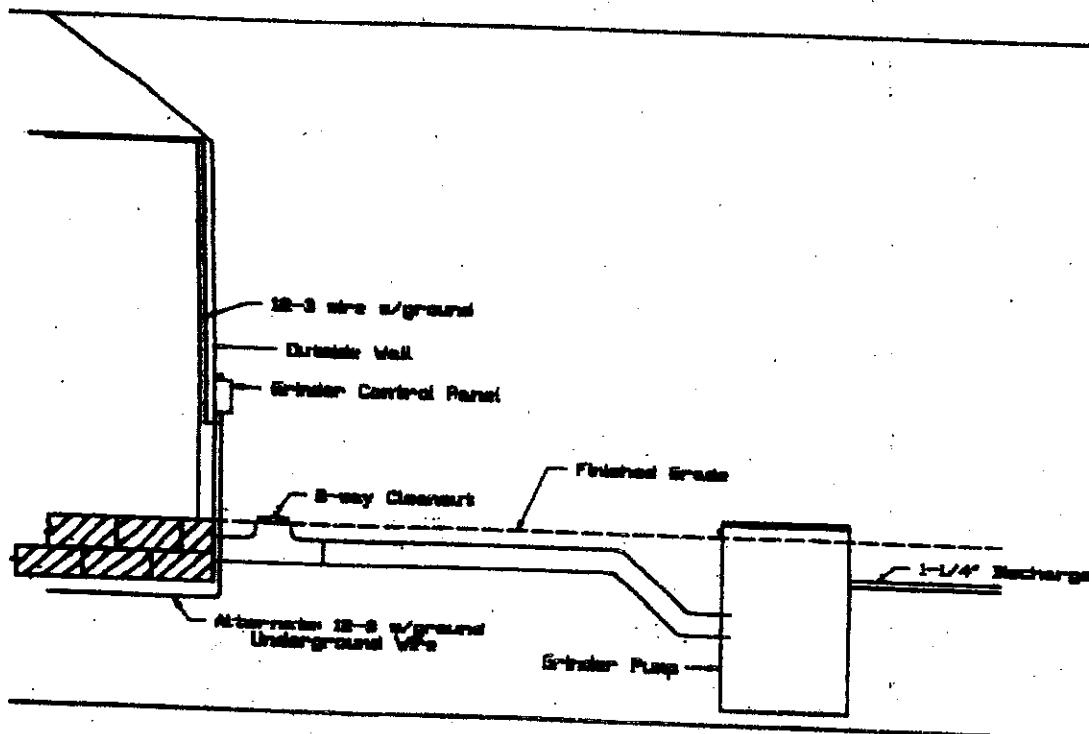
CINERGY.
CG&E

Cinergy/CG&E • P.O. Box 840
Cincinnati, OH 45201-0840

John Sayyah
238 Waynoka Dr
Sardinia OH 45171

WRWSD CUSTOMER SEWER SERVICE REQUIREMENTS

1. Contact the utility department before beginning construction for proper location of utilities. The utility department is responsible for installing the sewer grinder pump, control panel, 1-1/4" discharge pipe, and connections. The sewer grinder pump is to be placed within 10' of dwelling and accessible at all times. The 1-1/4" sewer discharge pipe from the pump to the main shall be installed along a property line. Other underground utilities shall not be permitted to cross the sewer discharge pipe. Variances to the above may be made at the utility departments' discretion.
 2. The customer is required to provide a 4" PVC Schedule 40, 2-way cleanout installed adjacent to foundation wall no more than 26" below grade and is required to provide a *non-connected 10 foot piece of PVC Schedule 40 pipe*.
 3. Electric provided by the customer is to be a 12-3 with ground (4 wires) conductor connected to a singulary dedicated 20 amp, double pole breaker inside the customer's house panel breaker box using red and black wires to carry 240 volts a.c. phase to phase, white wire to serve as neutral, and bare wire to serve as ground.
 4. 3 feet of wire is to protrude through outside wall, 3 feet above finished grade level and directly over the PVC sewer cleanout. Exceptions may be made at utility departments' discretion and customer's expense.
NOTE: The customer is required to provide a 3/4" PVC electrical conduit LB connector, glue type, and install said connector over the 12-3 wire in such a manner as to provide 1.5 inch spacing between the outside of the wall and the inside vertical run of the connector. This spacing allows for the proper positioning of the utility grinder pump control panel.
- Alternate:* If preferred, underground feeder wire (12-3 with ground) (4 wires) may be buried 2 feet deep and fed to the PVC sewer cleanout. A minimum of 6 feet of wire is to be left available above finished grade level. A piece of 3/4" PVC electrical conduit, 6 feet in length, is to be supplied to the utility department by the customer. Wiring is to be inspected by the utility department before backfilling trench.
5. Customer must provide the utility department a copy of their final electrical inspection before the grinder pump is activated.
- NOTE:** If customer required fittings are not at job site at the time of installation the customer will be billed for any material used by the utility department.



WRWSD SEWER SERVICE AGREEMENT

I, _____, request Waynoka Regional Water and Sewer District to install a sewer service consisting of grinder pump, discharge line, and accessories for lot # _____, for which I agree to pay \$4,000 installation fee and \$1000 tap-in fee, for a total sum of \$5000. **NOTE: Sewage discharge line in excess of 100 feet will be billed to the customer at a cost of \$3.00 per foot.** (Effective 02-03-98). A properly executed and recorded easement has been completed along with a plot plan (copies attached), for the purpose of installation and maintenance of said sewer service. In addition, I have received and read the plumbing code requirements of the Waynoka Property Owners Association, Inc. Building Code along with the specific requirements of the Waynoka Regional Water and Sewer District concerning said sewer service connections listed elsewhere on this page.

Modify # 4050

Date: _____

Signed: _____

Amount of Payment: _____

Form of Payment: _____

Personnel receiving this signed agreement: _____

*Desired location for Sewer Grinder Pump is:

*Is copy of plot plan attached with this agreement? _____

* Is copy of easment attached with this agreement? _____

NOTICE:

NO WATER OR SEWER TAP INSTALLATIONS WILL OCCUR UNTIL ROUGH GRADING AND CONSTRUCTION DEBRIS IS REMOVED FROM PROPERTY.

Ohio Utilities Protection Service Reference Number: _____

Date: _____

COMMENTS: _____

SERVICE INSPECTION & START UP: LOT #: _____ DATE: _____ INITIALS: _____

Protect Underground Utilities

Please call these numbers before

You Dig.

(over)



RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to _____ hereinafter referred to as GRANTORS by Waynoka Regional Water and Sewer District, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTORS do hereby grant, bargain, sell, transfer and convey unto the GRANTEE, its successors and assigns, a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, and remove sewer mains, service lines, laterals, valves, controls, pumps and appurtenances over, across, and through the land of the GRANTORS situate in Brown County, State of Ohio, said land being described as follows:

Being Lot No. _____ of Lake Waynoka Subdivision and being real estate acquired by GRANTORS in _____ Book _____, Page _____, Brown County Recorder's Office, together with the right of ingress and egress over the adjacent lands of GRANTORS, their heirs, successors and assigns, for the purposes of this easement.

The easement shall be twenty (20) feet in width, the center line of which is described as follows:

As the sewer line is constructed and appurtenances installed on GRANTORS' property from the sewer main to and including the grinder/pump to be located on GRANTORS' property so as to provide single family residential sewerage facilities for the benefit of GRANTORS, their heirs, successors and assigns.

The consideration recited herein shall constitute payment in full for all damages sustained by the GRANTORS by reason of the installation of the lines and appurtenances referred to herein and the GRANTEE will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use to the GRANTORS' premises. This Agreement together with all other provisions of this grant shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns. The GRANTORS covenant that they are the owners of the above described land and that said lands are free and clear of all encumbrances and liens except the following:

IN WITNESS WHEREOF the said GRANTORS have executed this instrument on this _____ day of _____, 19_____.

Signed and acknowledged
in the presence of:

Witness
Typed or Printed Name

Witness
Typed or Printed Name

STATE OF OHIO)
) SS:
COUNTY OF BROWN)

The foregoing instrument was acknowledged before me this _____ day of _____, 19_____ by _____.

Notary Public
Typed or Printed Name

(b)

Waterfront Paradise!



238 Waynoka Drive, Sardinia, Ohio

Incredible lake front home with over 5,000 square feet of living space. Home features 5 bedrooms, 4 baths, huge great room for entertaining. Extensive landscaping includes a waterfall, above ground pool with deck. Launch your boat from your own dock. Two car garage, black top drive. This is the perfect place to live and entertain.

Call today for a private showing.



TOP PERFORMERS

Vivian Pfankuch
Coldwell Banker West Shell
Voice Mail: 513-483-4317
Residence: 937-442-4800



OUR AGENTS DELIVER MORE THAN YOU EVER IMAGINED

(5)

On any given Independence Day, there is the notion of liberty, freedom, and justice—but curiously here at Lake Waynoka “Independence Day” is not a notable occasion.

You have breeched a solemn obligation owed the property owners.

- The people here at Lake Waynoka grow tired of the assaults on their liberties.
- The people grow tired of the cover-ups and the protecting Tim O’Farrell.
- The people grow tired of being denied their civil right to speak out.
- The people grow tired of *all* the corruptive practices.

Everyone is angry and prepared to fight.

A number of property owners have been organized to knock on doors, make phone calls, and set up picket lines at both the front and back gates to pass out literature and gather 300 signatures to institute a “special” members meeting to fire Tim O’Farrell, and are prepared to take all necessary action to remove the Board and to put in place majority rule.

Also, we intend to play hardball and will go into the Sixth District Federal Court on a Civil Racketeering Influence Corrupt Organization Complaint. We intend to show criminal acts have been perpetrated, either through active participation by Members of the Board in covering up or obstruction, whether as accessories before the fact, during the fact, or after the fact, or just plain through silence and/or an unwillingness to act. Every trustee must understand, legally, just sitting idly by and not doing his or her duty of care makes each trustee a culpable partner in crime.

Do not be beguiled, all cases are pending, and are alive and well. With a new tough judge in place to hear the lawsuits, each and every defendant in this matter has turned a dangerous corner.

You kid yourself into believing that the “Insurance” gives you a free pass out of paying anything. It does not. To the contrary, if there has been any wrongdoing on your part, you will be totally liable for both actual and punitive damages, which can reach into the hundreds of thousands, or even more, plus attorney and court fees.

See
Attached
Letter!

If you posses intelligence, retreat from such a disastrous brink, help us to bring this madness quickly to bay. Again, do not jeopardize all that you have worked for. If you lose, you stand to lose mightily. Please check with your own attorney. We are not making this stuff up. Why put yourself and your family through this? What for and for whom? Tim! He just isn’t worth it. I beg and appeal to you before it is too late: come over and get on the right side of the property owners, stand up for what is decent and right, do not risk it all. O’Farrell just isn’t worth it. We, the people who put you in office, the property owners, need you to do the right thing. We need you to help us. You need us to stop coming after you. It can all stop for you and us in a New York minute.

[Quotation
is author's]

I know to keep secrets to myself. Others have trusted me. Try me! Pick up the phone, talk to me, John Sayyah. I promise, you will never regret it, and no one will be the wiser. 446-4136...just a quick phone call away from bringing our community together. It is not if Tim will be gone, it is only a question of when...help us make it sooner than later.

Come over to where you belong, on the side of the people. Let us lift you up as a leader!

2 of 2 p.p.

pages 1-3 not mailed
with page 1 of
this exhibit

Mr. Tim O'Farrell
December 1, 2000
Page 4

advantage to which an Insured was not legally entitled. If defendants in fact gained any such personal profit or advantage, the Policy would not provide coverage for such Loss.

Fifth, the Policy provides at Section I.B.6. that CIC shall not be liable under the Policy to make any payment for Loss in connection with any Claim made against any Insured brought about or contributed to by the dishonesty of an Insured, if a judgment or final adjudication adverse to an Insured establishes that acts of active and deliberate dishonesty were committed with actual dishonest purpose and intent and were material to the cause of action so adjudicated. If a judgment or other final adjudication establishes such deliberate dishonesty, no coverage would be available under the Policy on that basis as well.

Sixth, the Policy provides at Section I.B.10. that CIC shall not be liable under the Policy to make any payment for Loss in connection with any Claim made against any Insured alleging, arising out of, based upon, or attributable to the willful violation of a statute or ordinance committed by or with the knowledge or consent of an Insured. If defendants willfully violated any such statute or ordinance, or had knowledge of or consented to the willful violation of any such statute or ordinance, no coverage would be afforded under the Policy.

Seventh, Section IV.E. of the Policy defines Wrongful Act as any error, misstatement or misleading statement, act or omission, or neglect or breach of duty committed, attempted or allegedly committed or attempted by an Insured individually or otherwise, in the discharge of his or her duties to WPOA, or any matter claimed against him or her solely by reason of his or her serving in such capacity. No coverage is available under the Policy to the extent that defendants are liable in some capacity other than as employees, officers, committee members or volunteer members of WPOA.

Eighth, with the exception of certain employment-related contracts, Endorsement No. 1 of the Policy provides that CIC shall not be liable to make any payment for Loss in connection with any Claim made against any Insured for an obligation or liability assumed by WPOA under any contract or agreement. In accordance with that provision, CIC shall not be liable under the Policy for any Loss, including Defense Costs, incurred by WPOA as a result of any such obligation or liability.

Ninth, the definition of Loss, as set forth in Section VI.A. of the Policy, specifically excludes civil fines or penalties imposed by law, punitive or exemplary damages, the multiplied portion of multiplied damages, taxes, any amount for which an Insured is not financially liable or which is without legal recourse to an Insured, or matter which may be deemed uninsurable under the law pursuant to which this policy shall be construed. The Lawsuit sets forth allegations against defendants which could lead to an award of fines, penalties or other uninsurable loss. To the extent that such damages are awarded to the plaintiffs, CIC shall not be liable for such Loss.

[Highlights are author's]

F

2001 W.P.O.A. CANDIDATES



Jim Marck

Ready, Willing and Able are words that have been used to describe me. I believe that description to be fairly accurate.

I have always been a bundle of energy in business, in community affairs and in professional associations. I am willing to give generously of my time and skills to any group I join.

I was raised and educated in Cincinnati. I graduated from Purcell High School and Xavier University. Upon completion of my studies, I was called to active duty and served my country as an artillery officer in the Korean Conflict. I returned to the Queen City and began my career as a salesman for Wilson Freight. I worked through management positions to become Senior Vice President and eventually started my own trucking company.

I have been dedicated to my family, my work, and my community. In 1997, I retired and moved to Lake Waynoka. I am ready, willing and able to serve with dedication on the W.P.O.A. Board and I ask for your vote to allow me to serve.

- President and CEO, Marck Express Company
- President, National Steel Carriers Association
- President, Xavier University Parent's Club
- BS, BA, Xavier University
- Present Member W.P.O.A. Board
- President, Wilson Freight Company, SCD
- President, Purcell Alumni Association
- Member, Board of Directors, American Truckers Association
- Korean War Veteran

Betty Purdin

My name is Betty Purdin and I am now a present member of the Board of W.P.O.A. I am requesting your support for the next three years. We have had a lot of positive things in the last three years, we have also had some very unpopular things in the past three years. Please help us to continue with projects such as the swimming pool, boat docks and care of the lake. Let us all try to put the bad things behind us and go forward together for the betterment of Lake Waynoka. Please remember our great country in your prayers as well as board members. We all need each other. Thanks, Betty.



John Sayyah

A family man, I have been a resident at the Lake for 18 years.

EDUCATION: West Long Branch College (1953); Rutgers University (1957); Wayne State University (1959); San Diego State University (1961); Lebanese American University (Beirut, Lebanon, 1962); Lebanese American University (Byblos, Lebanon, 1963); La Sagesse University - Financial and Economical Law (Beirut, Lebanon, 1965)

INVESTMENT FIELD DIRECTOR: Prudential Life Insurance Co.; Agency Director: Pennsylvania Life Insurance Co.; Special Agency Director: All American Life and Casualty Co.; Zone Director: Alexander Hamilton Life Insurance Co.; Founder/President: American Arabian Corporation (Foreign Import/Export & Marketing); President: Western Regional Associates (Insurance

Investment Marketing); President: Inter-region Associates (Insurance/Investment Marketing); Executive Vice President: Holding Corporation of America (Insurance Companies); Founder/President: International Investment Consortium (Foreign Insurance/Investment); Founder/President: Planned Action Corporation (Insurance/Investment Marketing); Founder/President: Financial Services of America (Insurance/Investment Marketing); Founder/President: WaterPure, Inc. (Electronic Water Purification Systems & Marketing)

BRIEF STATEMENT: No ands, ifs, or buts, elect me and I will bring about "Majority Rule" and "Management Reform" so desperately needed to bring a screeching halt to this out-of-control spending by the Board and Management. Elect me and I will bring a Servant Leadership approach that is honest and forthright. Elect me and I will seek to serve rather than to control, seeing human enhancement as the primary goal of the Board of Trustees so that those served are empowered, enlarged, liberated. Elect me and I will dedicate myself to being trustworthy, authentic, caring, compassionate, inclusive, and courageous. Elect me and I will spend myself aligning systems, structures, and resources to bring about a corporate

2001 W.P.O.A. CANDIDATES



Jerry G. Baker

PERSONAL: I have been a Lake Waynoka property owner since 1978 and have lived here as a resident of the Lake since 1981.

EDUCATION: Graduated from Mount Orab High School in 1970 and Graduated from Grant Vocational School in 1989 with a certification in Commercial Industrial Electric.

EMPLOYMENT: Employed at GM from 1969-1987 and WRWSD 1996-present.

MISSION STATEMENT: I am filing this application to run for the Lake Waynoka Board so that I might do my part on the behalf of others to make Lake Waynoka a better place to live.

I can be a beneficial member of the board by listening to and respecting the needs of Lake Waynoka and its members. It is my goal to enhance the voice of the people who make Lake Waynoka and to represent them so that the future of Lake Waynoka will be that of a thriving community for all to enjoy. It is my desire to see that the needs of the many are met and not the desires of the few. I have the ability to listen and weigh the pros and cons of each issue that might be presented before the board. I have the ability to be a fair and an unbiased board member. I will do my best to represent the people who elect me to be their voice.

Brenda L. Frank

PROFESSIONAL EXPERIENCE: I am currently employed as a medical assistant for a large cardiology group based in Cincinnati. I do patient assessment, check their vital signs, also set them up for any testing that needs to be done, go over all medication with the patient so they understand what the doctor wants them to do.

PAST EXPERIENCE: Office manager for a multi-state carpet store in Michigan. My duties included: administering office procedures for this carpet sales and installation company, including supervision of a staff of six employees in the office; lead processing and follow-up; file centralization and maintenance; cash reconciliation and deposits.

EDUCATION: Graduate of Western High School Michigan, 1979; Graduate of Southern Lakes College Medical Assistance Program, Certified in May, 1994.

My decision to run for the Board of Trustees was influenced by the fact that there needs to be changes here at the Lake. I feel that property owners are not having their needs met. There needs to be a change to majority rule where ALL property owners can have a voice on what happens here at the Lake, instead of just 9 Trustees that decide the fate of all. If elected, my goal is to have property owners get involved in decision making and also to see where their hard earned money is spent and also have a say on how the money is spent. I plan to make myself available to the property owners so they can talk and voice their opinions.



Ruth (Sue) Hamm

I have lived at the Lake for fifteen years, owned property nineteen years. I have served on the W.P.O.A. Board six years, two years as treasurer. Have been involved with Shawnee Squaws and Activities Fireworks.

I retired from General Motors as an accountant after 30 years.

I believe with my past experience I can be of value to the Board.

I will represent all of the people.

2001 W.R.W.S.D. CANDIDATES



John Sayyah

A family man, I have been a resident at the Lake for 18 years.

EDUCATION: West Long Branch College (1953); Rutgers University (1957); Wayne State University (1959); San Diego State University (1961); Lebanese American University (Beirut, Lebanon, 1962); Lebanese American University (Byblos, Lebanon, 1963); La Sagesse University - Financial and Economical Law (Beirut, Lebanon, 1965)

INVESTMENT FIELD DIRECTOR: Prudential Life Insurance Co.; Agency Director: Pennsylvania Life Insurance Co.; Special Agency Director: All American Life and Casualty Co.; Zone Director: Alexander Hamilton Insurance Co.; Founder/President: American Arabian Corporation (Foreign Import/Export & Marketing); President: Western Regional Associates (Insurance/Investment Marketing); President: Inter-region Associates (Insurance/Investment Marketing); Executive Vice President: Holding Corporation of America (Insurance Companies); Founder/President: International Investment Consortium (Foreign Insurance/Investment); Founder/President: Planned Action Corporation (Insurance/Investment Marketing); Founder/President: Financial Services of America (Insurance/Investment Marketing); Founder/President: WaterPure, Inc. (Electronic Water Purification Systems & Marketing)

BRIEF STATEMENT: Elect me and I will serve with a Leadership approach that is honest, forthright, and serves openly rather than controls secretly. Elect me and I will exercise openness of Spirit and right-brain, intuitive thinking to bring about honest, authentic and truthful sewer rates in which the public is invited to participate in a caring and inclusive environment in which there is a climate of trust and collaboration. Elect me and I give my solemn word that I will dedicate myself with a conspicuous effort to bring about water rates that are fair and reasonable and that do not violate WPOA's Restrictive Covenants.

Brenda L. Frank

PROFESSIONAL EXPERIENCE: I am currently employed as a medical assistant for a large cardiology group based in Cincinnati. I do patient assessment, check their vital signs, also set them up for any testing that needs to be done, go over all medication with the patient so they understand what the doctor wants them to do.

PAST EXPERIENCE: Office manager for a multi-state carpet store in Michigan. My duties included: administering office procedures for this carpet sales and installation company, including supervision of a staff of six employees in the office; lead processing and follow-up; file centralization and maintenance; cash reconciliation and deposits.

EDUCATION: Graduate of Western High School Michigan, 1979; Graduate of Southern Lakes College Medical Assistance Program, Certified in May, 1994.

My decision to run for the Board of Trustees was influenced by the fact that there needs to be changes here at the Lake. My goal is to make sure that the restrictive covenants are followed and also that the property owners are involved in the decision making that involves spending money, making decisions on all and any issues that involve the business of the water and sewer district. Making myself available to the property owners to voice their opinions and concerns on how things are done and getting them answers to any and all questions. I would also like to see majority rule so ALL property owners have a say — not just a select few.



2001 W.R.W.S.D. CANDIDATES

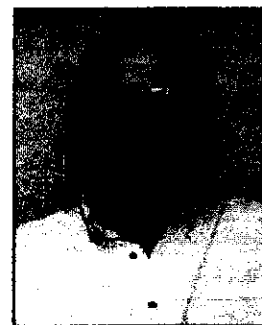
Aristotle Roussos

I have served on the WRWSD Board over the past four years, three years as vice-president. My wife (Mary Layton of nearby Russellville) and I have been property owners here for over fourteen years, and residents for six years. We have planted our roots here firmly to the great enjoyment of our three sons, their wives, and our nine grandchildren.

I was honorably discharged from the U.S. Navy in 1946 and immediately entered Columbia College under the GI Bill earning a BA degree, business major.

In 1952, a Johnson & Johnson subsidiary sent me to Cincinnati to manage their mid-west territory (where I met Mary) and then transferred to management in NYC headquarters. In the following years, I rose to increasingly higher management levels in other major companies including Chesebrough-Ponds, Bristol-Myers, and Spring Mills from which I retired as vice-president in 1995. Immediately, we retired to Lake Waynoka.

Besides my service to the WRWSD Board, I have been an active volunteer in other community activities. I am very optimistic for the future of Lake Waynoka and ask for your continued support and your vote to continue my service efforts. Thanks for your consideration.



Ervin Chaney



I grew up in New Richmond, Ohio. We lived on a farm where I learned the value and pride of hard, honest work. I love school athletics and eagerly participated in various sports particularly track and baseball.

Following school graduation, I joined a masonry contractor and learned the art of masonry. Later, as a skilled mason and a very independent person, I started my own business "Stones & Such Masonry" working out of Hamersville, but concentrated mostly in Cincinnati. Thirty years later, I moved to Lake Waynoka and am still working.

My hobbies comprise American Indian studies and artifacts collecting, bow & arrow hunting, woodsman activities, and elaborate woodcarvings. For thirty years, I coached men's softball in Mt. Carmel.

My wife, Roselyn, grew up in Bethel. She is an artist working in oils, watercolors, and charcoal. She has sold a few pieces here and on the west coast. We have four children and five grandchildren.

I work well with people, have common sense, and an even temperament. We have lived in this fine community for several years and want to contribute to it. I recently was appointed to fill a vacancy on the WRWSD Board and I ask for your support so that I may help in the continued growth and progress of Lake Waynoka.

Thomas Joyce

My name is Thomas Joyce, M.D. I have been a property owner for 30 years and a homeowner for seven years. I ask for your vote for the WRW&SD Board of Trustees for the following reasons:

1) As Treasurer of WRW&SD I am in a position to influence decisions regarding cost as WRW&SD approaches the Ohio EPA magic number of 700 homes which will require expansion of the sewer/water plant facilities. I pledge to do everything possible to minimize the financial impact on the current home owner.

2) I am a firm believer in equitable billing that is "the user pays for what he uses."

3) As a Lions club member, local church member and Citizens Lake Awareness and Monitoring (CLAM) group, I have a long term stake in the health and well-being of WRW&SD.

4) I have attended state meetings on water safety and purification at my own expense to keep my knowledge as current as possible about water borne diseases.

5) As a Board member for five years, I have had a continuing education on the regulations governing the District and the State of Ohio laws governing WRW&SD. I will put this education to work for YOU.



6

LAW OFFICES

Herbert E. Freeman

TELEPHONE (513) 381-8115

620 AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202-1118

October 11, 2001

TO: Selective Defendants in the John Sayyah, et al -vs-
WPOA & WRWSD Boards of Trustees case

SUBJECT: Status report & call for action

Dear Friends:

This morning I attended a hearing in Georgetown regarding this case. On the positive side, two good things happened:

1. Five previously antagonistic plaintiffs were granted leave of court to be dismissed as plaintiffs;
2. Jay Cutrell's motion for leave of court to file an untimely motion for summary judgment was granted, over John Sayyah's strenuous objections. Jay will perhaps get the water board suit dismissed without the necessity of the case formally actually having to go to trial.

On the negative side, the court did not address the merits of the summary judgment motion at this time. More delays are in order before a final solution will be in place.

There is a recent development of which I assume you are aware. Both John Sayyah and Brenda Frank have submitted timely applications to be put on the ballots for both of the boards. We are only a short time away from the point when ballots will be sent to the membership by mail, and most of the 400 or so individuals who choose to vote do so right away. I am certain that Sayyah will do at least one and perhaps more direct mailings to the membership.

We need these goofballs on the boards like we need additional holes in our head. Nevertheless John can on first impression sound quite articulate. I feel that something needs to be done by way of a letter to the membership outlining the pitfalls of electing either of these lunatics for office.

I know that current board members cannot sign partisan letters. I am willing to do the draftsmanship, and to take the heat as the signatory. We are going to need to pass the hat, however, to purchase address labels from the office, for photocopying, and for postage. This guy (Sayyah) has literally called all of you "criminals" in his Federal Court lawsuit that is pending, and which unfortunately I cannot get dismissed fast enough to affect the election. So I turn to all of you for financial assistance, letter stuffing assistance, phone bank help, etc.

Bert Freeman
Home: 446-3930

LAW OFFICES

Herbert E. Freeman

Defendant
Freeman's
Exhibit X (H)

ONE (513) 381-8115

620 AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202-1118

October 25, 2001

Dear fellow Lake Waynoka property owner:

Shortly you will receive ballots and other election materials so that you may participate in the selection of candidates to fill vacancies on the respective Boards of Trustees of both the Waynoka Property Owners Association and the Waynoka Regional Water & Sewer District. John Sayyah and Brenda Frank have chosen to run for positions on each of these Boards. I am deeply concerned about each of their candidacies, and the purpose of this letter is to share my concerns with you.

Over the past several years, John Sayyah and Brenda Frank have initiated numerous pro se lawsuits against The Lake, both Boards of Trustees, the manager, the Lake's attorney, the Lake's auditor, and against all current & former Board members in their individual capacities. The most recent lawsuit, filed in Federal District Court in Cincinnati, calls all defendants "criminals" and seeks fifteen million [\$15,000,000.00] dollars in damages. Each lawsuit must be defended, at a minimum cost to the membership of The Lake of \$5,000.00, the amount of the insurance deductible. In addition the disqualification of The Lake's regular auditor forced a new independent audit that added \$8,000.00 to this year's expenses. So far Mr. Sayyah and Ms. Frank have cost the membership an estimated \$38,000.00, and that total is still growing.

We have just received the report of the successor independent auditors. None of the financial irregularities alleged in any of the lawsuits was found to exist. Hopefully this report will set the stage for the ultimate resolution of the lawsuits in favor of all defendants.

Leopards do not change their spots, nor do candidates Sayyah and Frank rehabilitate their motives. I have no reasonable expectancy that their candidacies mean that either of them has suddenly become a team player. From the onset of this conflict these candidates have sought nothing less than to bring The Lake and the respective Boards of Directors to their knees, a goal openly stated in their newsletters.

Waynoka letter of 10-25-01
page two of two pages

Terrorism in America can take on many forms. It need not appear in the form of an airline hijacking, or by way of an anonymous anthrax-laced letter. Terrorism can manifest itself in the form of systematic & willful abuse of the legal process, through use of frivolous lawsuits. The goal of the plaintiffs in these actions has nothing to do with legitimate resolution of bona fide disputes. Instead the initiators of these actions seek to methodically grind down the spirits of the persons with whom they disagree. As members of the Lake Waynoka community, we have the choice and I would respectfully submit the obligation to refuse to make ourselves accessories to those who utilize this form of intimidation.

I love Lake Waynoka, including the diversity of the friends and neighbors that I have been fortunate enough to meet over the years. I live here with my family, and this is where we plan to retire. I see the Lake Waynoka community as a microcosm of America. We have our own democratic mechanism of self-government which allows everyone the opportunity to be heard. This is your opportunity to assist in the direction of your own collective future. We can select candidates whose stated objective is to continue to focus upon the divisive factors that are before us. Or we can instead decide to select a slate of candidates that decides to build upon what we have in common, with the goal being the mutual well-being of the entire community. The choice has never been clearer than it is right now.

Sincerely,

Bert Freeman

Bert Freeman
Ten Wolverine Cove
[937] 446-3930

SAVE THIS VOTING GUIDE!!!

(We thank Mr. Freeman for helping us economize by allowing us to insert this voting guide into the same envelope as his very important personal message to all Lake Waynoka property owners.)

To Our Fellow Members:

In a few days you will receive your ballot for voting in this year's election involving the boards of both the WPOA and the WRWSD. This election is critical to the future of Lake Waynoka.

Lake Waynoka will add a projected 25+ new homes this year, even in the face of a poor economy. A wonderful pool complex is currently under construction. Our own water and sewer systems are in excellent condition, and their rates are lower than those of many other Ohio communities. We are now benefitting greatly from newly-installed water meters. Lake Waynoka is growing, and property values are rising.

But Lake Waynoka's progress & growth is threatened, as explained in Mr. Freeman's enclosed letter.

More than ever, we need experienced and dedicated public servants on our boards.

For the WPOA Board, please vote for...

BETTY PURDIN

JIM MARCK

SUE HAMM

For the WRWSD Board, please vote for...

TOM JOYCE

ARISTOTLE ROUSSOS

ERVIN CHANEY

People make the difference...and let's stop the frivolous lawsuits!!!

Thank You,

DEFENDANT'S
EXHIBIT

AFFIDAVIT

Exhibit A ①

STATE OF OHIO

SS:

BROWN COUNTY

Affiant Lizabeth A. Freeman, having first been duly cautioned and sworn, states as follows:

[1] As a newly-appointed member of the Board of Trustees of the Waynoka Property Owners Association, I received the letter [attached hereto as exhibit "a"] that I am submitting to this Court as evidence of John Sayyah's true agenda in filing this RICO action. As a result of John Sayyah's dissatisfaction with the performance of the manager of Lake Waynoka and of his distain for The Lake's installation of water meters, each recipient was threatened with personal financial liability. Such a threat includes the express allegation that the master policy of insurance might not cover individual board members sued individually.

[2] To date John Sayyah and Brenda Frank have filed ten [10] lawsuits against different combinations of essentially the same parties, and promised to file more. As of right now, the anticipated defense costs (because of a \$5,000.00 deductible in addition to the cost of an additional independent audit [which ironically cleared the directors

(J)

WAYNOKA PROPERTY OWNERS ASSOCIATION

ELECTION RESULTS

DATE 12-10-01

TOTAL NUMBER OF BALLOTS SENT TO ELEGIBLE VOTERS: 1945

TOTAL NUMBER OF BALLOTS RECEIVED: 891

TOTAL NUMBER OF BALLOTS DISQUALIFIED: 20 *revised type error;*

ELECTED TO THE BOARD OF TRUSTEES:

<u>NAME :</u>	<u>NUMBER OF VOTES:</u>
1. BETTY PURDIN	656
2. JIM MARCK	602
3. RUTH SUE HAMM	567

REMAINING CANDIDATES:

1. JERRY GENE BAKER	430
2. JOHN SAYYAH	174
3. BRENDA FRANK	164
4.	
5.	
6.	
7.	
8.	
9.	
10.	

We the duly appointed Inspectors of Election, have counted the ballots for the election of Trustees, Waynoka Property Owners Association and do Attest that the above count is accurate to the best of our ability.

Signed:

Jenny Lindenberg
Inspector of Election

Valerie Beelock
Inspector of Election

WAYNOKA REGIONAL WATER & SEWER DISTRICT

ELECTION RESULTS

DATE 12-10-01

TOTAL NUMBER OF BALLOTS SENT TO ELEGIBLE VOTERS: 1792

TOTAL NUMBER OF BALLOTS RECEIVED: 852

TOTAL NUMBER OF BALLOTS DISQUALIFIED: 18 *revised type error;

SEATED TO THE BOARD OF TRUSTEES:

NAME :	NUMBER OF VOTES:
1. ERVIN CHANEY	700
2. ARISTOTLE ROUSSOS	656
3. TOM JOYCE	643

REMAINING CANDIDATES:

1. BRENDA FRANK	186
2. JOHN SAYYAH	178
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

We the duly appointed Inspectors of Election, have counted the ballots for the election of Trustees, Waynoka Regional Water & Sewer District and do attest that the above count is accurate to the best of our ability.

Signed:

Valerie Bullock

Inspector of Election

Erny Lundback

Inspector of Election

Exhibit A (K)

W.P.O.A. Consensus Motion – The W.P.O.A. Board has been informed that Liz Freeman, Bert Freeman, Sharon Otto, Tom Joyce, Sue Hamm, Jim Marck, Aristotle Roussos, Ervin Chaney and Betty Purdin have been sued by John Sayyah, Brenda Frank and Gary Frank for their activities as candidates for the 2001 W.P.O.A. election or commenting on candidates for the recent W.P.O.A. election. The Board recognizes that Mr. Freeman, in his role as a licensed attorney, has elected to represent the above named persons as their defense attorney on a pro bono basis. Mr. Freeman's counter suit asked that the litigants, John Sayyah, Brenda Frank and Gary Frank be adjudged to be vexatious litigators. The W.P.O.A. attorneys have said that this action by Mr. Freeman does not conflict with their defense activities on behalf of either the W.P.O.A. or W.R.W.S.D. Boards and that they therefore applaud Mr. Freeman's aggressive defense of his clients. This Board agrees with our attorneys of record. Vote: Seven in favor with Betty Purdin proxy in favor of motion. Jim Sanger voted no. Tom Wyatt absent. Motion passed.

Tim explained the lawsuit and that employees and contractors are named defendants.

January workshop will be closed so the Board can get through the proposed budget.

PROPERTY OWNERS CONCERNS

#1014 – Bledsoe – Lot is worthless; won't pay fees.

#723 – Chaney – Life was threatened by Bledsoe.

#3805 – Dehart – Yielded her 3 minutes to Bledsoe.

#1014 – Bledsoe – Dispute with Chaney, etc. Liz Freeman questioned his specifications for a house at the lake; does he desire no water? No sewer? No electricity? Bledsoe confirmed. Freeman said that kind of home couldn't be built at this lake.

Adams – Loves the lake and her home and if others don't like it here, consider moving.

Meeting adjourned.

Respectfully submitted,
Sharon Otto, Secretary

④

December 7, 2001 WPOA BOARD CONSENSUS MOTION

The WPOA Board has been informed that Liz Freeman, Bert Freeman, Sharon Otto, Tom Joyce, Sue Hamm, Jim Marck, Aristotle Roussos, Erwin Chaney, and Betty Purdin have been sued by John Sayyah, Brenda Frank and Gary Frank for their activities as candidates for the 2001 WPOA Election or commenting on candidates for the recent WPOA election. The Board recognizes that Mr. Freeman in his role as a licensed attorney has elected to represent the above named persons as their defense attorney on a pro bono basis. Mr. Freeman's countersuit asked that the litigants, John Sayyah, Brenda Frank and Gary Frank be adjudged to be vexacious litigators. The WPOA attorneys have said that this action by Mr. Freeman does not conflict with their defense activities on behalf of either the WPOA or WR&WSD Boards and that they therefore applaud Mr. Freeman's aggressive defense of his clients. This Board agrees with our attorneys of record.

LAW OFFICES

Herbert E. Freeman

TELEPHONE (513) 381-6115

620 AMERICAN BUILDING
30 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202-1118

October 7, 2002

Dear Current or Former WPOA/WRNSD Board Member:

Recently you received a letter from the manager of Lake Waynoka, advising you of a meeting which he urged you to attend at the Lodge at 7:00 PM on the 14th of November of 2002. This session is designed to bring all of you up to date as to the current status of the case of John Sayyah & Brenda Frank -vs- WPOA, et al. There is a pretrial hearing in United States District Court set for the 4th of December of 2002 before Judge Herman Weber, and it is important that certain pretrial issues be openly and freely discussed.

You are aware that I have volunteered to represent all of you as cocounsel with Stephen Yeager, the attorney hired by the insurer for Lake Waynoka. I have done so for the following reasons:

1. Although the insurer has agreed to pay Mr. Yeager to be your representative, Mr. Sayyah and Ms. Frank have filed numerous motions seeking that he be disqualified;
2. Having Mr. Yeager be your representative is not the same as resting assured that a judgment (if any) would be paid by insurance. Sayyah & Frank have sued under the RICO Law (Racketeering-Influenced Corrupt Organizations). There is a good argument that such alleged activities would not constitute "insurable events" within the meaning of the Lake's master contract of insurance.
3. Sayyah & Frank have stated on numerous occasions in their pleadings that they intend to enforce any judgment which might be recovered out of the pockets of the individual defendants.

On the other hand, I wish to impose my services upon no individual who does not want me to participate in their representation. Furthermore I want to speak accurately before Judge Weber as to the intentions of each one of you.

Sincerely,

*Herbert E. Freeman*copy: counsel for
all defendants

Herbert E. Freeman HEF/kk

Attorney at Law

- PLEASE LET ME KNOW PERSONALLY
IF YOU DO NOT SEEK MY ASSISTANCE!*But Freeman*

(N)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

EXHIBIT I

WESTERN DIVISION

- - -

JOHN SAYYAH, et al., : CIVIL NO. C-1-01-459
Plaintiffs, : Hearing on Motion for Emergency
-vs- : Temporary Restraining Order
WAYNOKA PROPERTY OWNERS : Friday, November 8, 2002
ASSOCIATION, INC., et al., : 10:17 a.m.
Defendants. : Cincinnati, Ohio

- - -

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE HERMAN J. WEBER, SENIOR JUDGE

- - -

For the Plaintiffs: John Sayyah, Pro Se
238 Waynoka Drive
Sardinia, Ohio 45171

Brenda Frank, Pro Se
273 Yuma Drive
Sardinia, Ohio 45171

For the Defendants: Stephen M. Yeager, Esq.
Matthew Donnelly, Esq.
Patsfall, Yeager & Pflum
One West Fourth Street, Suite 1800
Cincinnati, Ohio 45202

For the Defendant Herbert E. Freeman:

Herbert E. Freeman, Esq., Pro Se
30 East Central Parkway, Suite 1000
Cincinnati, Ohio 45202

For the Defendant Kamphaus, Henning & Hood:

Thomas S. Shore, Jr., Esq.
Rendigs, Fry, Kiely & Dennis
900 Fourth & Vine Tower
5 West Fourth Street
Cincinnati, Ohio 45202

Proceedings recorded in stenotype.
Transcript produced using computer-aided transcription.

EXHIBIT 1

to address the merits.

If there is a serious wrong here, the Court wants to address that wrong. But by the motions and the motions to strike that have already expressed my displeasure with, by all of that side matters, I'm prevented from getting at the real issues in this case, whether the plaintiffs have been wronged. And the one claim or that they have is -- are all under the four sections of the RICO statute. The elements of RICO are reasonably clear to us. Please, let's get at the merits of this case that's before me. I don't care if there are 20 other cases. This is the case that's before this Court that I have to address and I want to address it on the merits, and you're preventing me from doing that. I need your cooperation to help me get this case to the merits, and that is motions are filed and not motions to strike. That doesn't help me. It's motions as to the merits of the various issues that you present to me.

Now, on the merits of the issue that's presented to me here, I cannot see any harm to the plaintiffs in permitting this meeting to go forward. The Constitution gives the people a right to peaceably assemble. There's no indication that this is not going to be peaceable. They give people freedom of speech, and the plaintiffs have exercised that right. I mean, you've said some things that a lawyer would not say to a judge. And so -- and I haven't reacted to it because you've got a right to freedom of speech, and it's my duty to preserve that